

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

THE TORO COMPANY,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 1:18-cv-03026-WTL-DLP
	)	
MATTHEW P. SMITH,	)	
MICHAEL D. FLOYD,	)	
R. SCOT JONES,	)	
BRENT A. MILLS,	)	
CRAIG M. CONYER,	)	
JAMES W. KEPNER,	)	
STEEL GREEN MANUFACTURING LLC,	)	
	)	
Defendants.	)	

**ORDER**

This matter comes before the Court on the Defendants' Motion to Compel (Dkt. 65). The Motion was referred to the undersigned for ruling and, for the reasons set forth below, is hereby **DENIED**.

The Defendants filed their Motion to Compel on January 11, 2019, wherein they request that the Court order Plaintiff, The Toro Company ("Toro"), to supplement its discovery responses "to specify the trade secrets that are the subject of this injunction proceeding." [Dkt. 66.] The Plaintiff filed a response on January 14, 2019, arguing that it had provided sufficient information at this preliminary injunction stage of the proceedings. The parties further discussed the motion during the January 16, 2019 status conference.

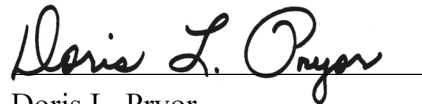
In order for Plaintiff to prevail on its misappropriation claims, it must identify its trade secrets and prove that they exist. *Amoco Prod. Co. v. Laird*, 622 N.E.2d 912, 920 (Ind. 1993). However, the Defendants do not direct the Court to any scenario where this Court has required a plaintiff to meet this burden in an organized fashion during the discovery phase of litigation. Additionally, Defendants' Motion does not allege that Plaintiff has not complied with its obligations under the Federal Rules of Civil Procedure. Therefore, the Court finds that the Plaintiff has adequately identified its trade secrets at this stage of the litigation.

Moreover, discovery supplementation is only required "if the additional or corrective information has not otherwise been made known to the other parties during the discovery process or *in writing*." Fed. R. Civ. P. 26(e)(1)(A) (emphasis added). Plaintiff satisfied its burden of discovery supplementation through a writing, namely the Motion for Preliminary Injunction.

The Plaintiff requested attorney's fees and costs for having to respond to the Motion to Compel. [Dkt. 69]. This request is **DENIED**.

So ORDERED.

Date: 2/28/2019

  
Doris L. Pryor  
United States Magistrate Judge  
Southern District of Indiana

Distribution:  
All ECF-registered counsel of record via email.